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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,722	07/31/2001	Kyoung Sup Shin	P-0247	1247
34610	7590	12/15/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153				QUIETT, CARRAMAH J
ART UNIT		PAPER NUMBER		
2612				

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/917,722

**Applicant(s)**

SHIN, KYOUNG SUP

**Examiner**

Carramah J. Quiett

**Art Unit**

2612

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires 3 months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attached. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- \_\_\_\_\_.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.

13.  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed on 11/10/2005, have been entered and made of record.

### ***Response to Arguments***

2. Applicant's arguments filed 11/10/2005 have been fully considered but they are not persuasive.

With respect to Kuchta, the Applicant asserts that Kuchta does not teach an image signal transmitting/receiving apparatus or method that includes checking whether a cut-off mode has been set for the main image signal. Particularly, the Applicant asserts that the selection routine 112 is not a cut-off mode and is not checking whether a cut-off mode has been set for a main image signal. The Examiner respectfully disagrees. Kuchta's cut-off mode is the operator-designated selection routine (fig. 3, ref. 112) can be set to display the low resolution image signal on the monitor (ref. 116) via the selector (ref. 104) and the D/A converter (ref. 114). When the selector (ref. 104) receives the selection routine, this selection allows the selector to determine whether to send the high resolution (or low resolution image) signals to the monitor (ref. 16) (via the D/A converter [ref. 114]). Please note that the word "*determine*" is a synonym to the word "*checking*".

With respect to Szajewski, the Applicant asserts that "[the teaching of Szajewski] is not transmitting and displaying during telephonic communication, a sub-image signal instead of a main image signal in case that a cut-off mode is set, as recited in the claims of the present application." The Examiner respectfully disagrees. Kuchta is used for teaching transmitting and

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displaying a sub-image signal instead of the main image signal in case that the cut-off mode is set (col. 7, lines 4-58). Szajewski is used for teaching a method for transmitting and displaying, (inherently) during telephonic communication (col. 10, lines 6-46). The communication module 46 transmits the image signals via a telecommunication network to devices such as an internet appliance, a personal digital assistant and a television. Devices such as these inherently have displays. When an image signal is transmitted and displayed on such devices via a communication path such as the Internet, it is well known in the art to utilize telephonic communication for accessing the internet.

Additionally, the Applicant asserts that, "Szajewski does not disclose or suggest anything related to a telephonic communication. Szajewski merely discloses that digital data may be transmitted from the imaging system using a communication module through a network to another device such as a telephone." The Examiner asserts that telephonic communication means using a communication module through a network to a telephone. In other words, a telephonic communication means telecommunications. Accordingly, Examiner submits that the rejections to claims 1-20 presented in the previous Office Action are respectfully maintained due to the combination of the prior art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ  
November 28, 2005



NGOC-YEN VU  
PRIMARY EXAMINER